

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

MICHAEL T. BROOKS,

No. 6:15-cv-000983-MK

ORDER

Plaintiff,

v.

AGATE RESOURCES, INC., dba,
Trillium Community Health Plan,

Defendant.

AIKEN, District Judge:

On May 14, 2019, this Court adopted Magistrate Judge Mustafa Kasubhai's Findings and Recommendations ("F&R") (doc. 198) and dismissed plaintiff's amended complaint (doc. 135) with prejudice. (doc. 212) Plaintiff subsequently filed a motion to reconsider that ruling. (doc. 214)

In that motion, plaintiff contends that he "is requesting a mistrial under Rule 59(d)." Pl's Mot. to Reconsider at 1. As was noted in this Court's previous order, Fed. R. Civ. Pro. 59(d) is not the proper vehicle for relief here, as the case was dismissed

prior to trial. However, as plaintiff is proceeding *pro se*, the court construes the present motion as a Motion for Reconsideration under Fed. R. Civ. Pro. 59(e).

A district court is permitted to reconsider and amend a previous order pursuant to Fed. R. Civ. Pro. 59(e). A motion for reconsideration, however, is "an extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial resources." *Kona Enters., Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000) (internal citations omitted). Reconsideration is appropriate only if "the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *389 Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir.1999).

Plaintiff has offered no newly discovered evidence or any intervening change in the controlling law. Rather, plaintiff raises many of the same arguments that this Court and Magistrate Judge Kasubhai have considered previously. None of these arguments convince the Court that the previous order (doc. 212) contains clear error. Thus, the present motion to reconsider (doc. 214) is DENIED.

IT IS SO ORDERED.

Dated this 4th September day of August 2019.



Ann Aiken
United States District Judge